

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

KEVIN CLARKE, TREVOR
BOECKMANN,
HARRY CRANE, CORWIN SMIDT,
ARISTOTLE INTERNATIONAL, INC.,
PREDICT IT, INC., MICHAEL
BEELER, MARK BORGHI, RICHARD
HANANIA, JAMES D. MILLER,
JOSIAH NEELEY, GRANT SCHNEIDER,
and WES SHEPHERD

No. 1:24-CV-614-DAE

Plaintiffs,

V.

**COMMODITY FUTURES TRADING
COMMISSION,**

Defendant.

SCHEDULING ORDER

This matter is before the Court on the parties' joint scheduling recommendations. Having considered the recommendations, it is hereby **ORDERED** as follows:

1. The following deadlines shall control the remaining briefing on Defendant's motion for judgment on the pleadings (Dkt. 82):
 - a. Plaintiffs' Response to the motion for judgment on the pleadings: August 26, 2024.
 - b. Defendant's reply in support of its motion for judgment on the pleadings: September 23, 2024.
2. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by December 15, 2024.

3. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by October 1, 2024, and each opposing party shall respond, in writing, by October 15, 2024.

4. The parties shall file all motions to amend or supplement pleadings or to join additional parties by January 6, 2025.

5. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by April 15, 2025. Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by May 15, 2025. All designations of rebuttal experts shall be designated within 14 days of receipt of the report of the opposing expert.

6. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 30 days of receipt of the written report of the expert's proposed testimony, or within 30 days of the expert's deposition, if a deposition is taken, whichever is later.

7. The parties shall complete all discovery on or before December 1, 2024. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

8. All dispositive motions shall be filed no later than March 10, 2025. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty

(20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e). If the parties elect not to file dispositive motions, they must contact the courtroom deputy on or before this deadline in order to set a trial date.

9. The hearing on dispositive motions will be set by the Court after all responses and replies have been filed.

10. The trial date will be determined at a later date by the Court. The parties shall consult Local Rule CV-16(e)-(g) regarding matters to be filed in advance of trial. At the time the trial date is set, the Court will also set the deadline for the filing of matters in advance of trial.

DATED: Austin, Texas, August 19th, 2024.



David Ezra
Sr. United States District Judge